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Chairman: Mr. Politi ..... (Italy)

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The meeting was called to order at 10 a.m.

Agenda item 162: Establishment of the International Criminal Court (*continued*) (PCNICC/2000/L.1/Rev.1 and Add.1 and Add.2 and PCNICC/2000/L.3/Rev.1; PCNICC/2000/INF/3 and Add.1 and Add.2)

1. **Mr. Klisović** (Croatia) said that the adoption by consensus of the draft Rules of Procedure and Evidence and the draft Elements of Crimes demonstrated the international community's willingness to prevent flagrant violations of international humanitarian law. However, it was still necessary to adopt other instruments and to define the crime of aggression, which would enable the Court to intervene when States failed to do so. That would end the impunity of those who hid behind the principle of State sovereignty, since, under the Statute, the Court would have jurisdiction over war crimes and crimes against humanity irrespective of national boundaries. The integrity of the Statute was essential for the establishment of an independent and effective Court. In addition, the Statute provided for the granting of compensation to victims and persons who had been wrongfully detained, prosecuted or convicted, whereas the Statute of the International Tribunal for the Former Yugoslavia had ignored that issue.

2. Croatia, which was preparing to ratify the Statute, called upon States which had not yet signed or ratified the Statute to do so as soon as possible. In that connection, the modifications that would have to be made to national legislation should not constitute an insurmountable obstacle to signature and ratification.

3. **Mr. Enkhsaikhan** (Mongolia) said that the adoption, by consensus, of the draft Elements of Crimes and the draft Rules of Procedure and Evidence would not undermine the integrity of the Court's Statute or its future effectiveness, but would help ensure that the Court was independent and was not used to serve political interests. Agreement should be reached on the definition of the crime of aggression and other relevant documents, since that would promote the signature and ratification of the Statute and the process of putting the Court into operation. In that context, it was important to establish a trust fund to help States which lacked resources, such as Mongolia, to adopt the legislation necessary for the Statute's implementation.

4. **Ms. Kigenyi** (Uganda) said that the adoption of the draft Rules of Procedure and Evidence and the draft Elements of Crimes was important, but that it must be complemented by the adoption of other documents and the definition of the crime of aggression. In that connection, her delegation felt that the Security Council should determine whether an act of aggression had been committed, after which the Court, free from any political influence, would adjudicate on any individual criminal responsibility. It went without saying that the Court would only operate where national courts were either unable or unwilling to act.

5. The speed at which Governments were signing and ratifying the Statute was a clear sign that there was broad support for the Court. In Uganda, the process of ratifying the Statute was at an advanced stage.

6. **Mr. Mekprayoonthong** (Thailand) said that the Statute of the Court would provide a necessary complement to national courts to ensure that they could prosecute those responsible for serious crimes. In that connection, the Preparatory Commission had done important work on the definition of the crime of aggression and the adoption of the draft Elements of Crimes.

7. Thailand, which had signed the Statute in October 2000, had established a national committee to draw up implementing legislation for the Statute. That would enable it to ratify the Statute and to establish the bodies that would cooperate with the Court.

8. **Ms. Mekhemar** (Egypt) highlighted the importance of the Rules of Procedure and Evidence and the Elements of Crimes, which would be very useful for national courts in applying the Statute of the Court. However, in case of conflict, the Statute would prevail over those two instruments.

9. Egypt had always been in favour of establishing an international criminal court to punish those responsible for serious crimes. In that connection, the war crimes committed by the Israeli forces in the occupied territories demonstrated the need to establish the International Criminal Court. The Court should be independent and impartial and should not yield to political influences. For that purpose, the integrity of the Statute must be maintained. The Egyptian Government was examining the Statute with a view to signing it by the end of 2000.

10. The crime of aggression should be defined taking into account General Assembly resolution 3314 (XXIX) of 14 December 1974, which was based on the principles of customary international law.

11. **Mr. Chowdhury** (Bangladesh) said that he welcomed the inclusion of the Rome Statute as one of the 25 core international instruments to be signed and ratified on a priority basis. He agreed with the Canadian delegation that the establishment of a permanent international criminal court finally seemed to be within sight. In that regard, the adoption of the draft Rules of Procedure and Evidence and the draft Elements of Crimes represented a significant achievement. However, at its next session, the Preparatory Commission would have to consider the Relationship Agreement between the Court and the United Nations, the Agreement on Privileges and Immunities of the Court, proposals on the crime of aggression and on conditions for the exercise of the jurisdiction of the Court with regard to that crime and the rules of procedure of the Assembly of States Parties. He therefore supported the proposal of the Chairman of the Preparatory Commission that two more two-week sessions should be held in 2001 to enable the Commission to complete its mandate.

12. He congratulated all States Members of the United Nations that had signed and ratified the Statute. His country attached great importance to the early establishment of the Court because it had been a direct victim of genocide during the long liberation struggle in 1971, in which many enforced disappearances had occurred. He therefore urged the international community not to exclude that crime from the Court's jurisdiction.

13. Bangladesh had signed the Statute on 16 September 1999. The States Members of the United Nations would do well to avail themselves of the technical assistance offered by the Secretariat in understanding the core multilateral instruments, particularly the Rome Statute. Bangladesh had already begun the process of ratification, and thanked the delegations which had offered to share their experiences in that connection.

14. Lastly, he called upon some delegations to reconsider their position on the jurisdiction of the International Criminal Court with a view to giving the Court maximum authority.

15. **Mr. Erwa** (Sudan) said that his country attached great importance to the establishment of the International Criminal Court, and had signed the Rome Statute on 8 September, during the Millennium Summit. He thanked Norway for its generous assistance to the Sudanese working group which had made the preparations for its signing, in which the Minister for Foreign Affairs, the Minister of Justice and a number of magistrates and jurists had participated.

16. No international criminal court could exist without jurisdiction over the crime of aggression, since that would represent a setback for the application of international law. As for the relationship between the Court and the Security Council in the context of the determination and definition of the crime of aggression, they were two separate bodies which concerned themselves with different matters and they should maintain a flexible relationship to ensure a balance between their respective jurisdictions.

17. **Mr. Haque** (Pakistan) said that the establishment of the International Criminal Court was an effective deterrent. The principle of complementarity constituted the cornerstone of the exercise of jurisdiction by the Court.

18. His delegation hoped that the adoption of the Rules of Procedure and Evidence and Elements of Crimes would not jeopardize the integrity of the Statute or the sovereignty of States. It also hoped that, during the negotiations on the instruments supplementing the Statute at the forthcoming session of the Preparatory Commission, the concerns of all delegations would be taken into account so that universal participation in the affairs of the Court could be assured. As for the important and complex issue of aggression, he took note of the useful proposals submitted by various delegations and hoped that an acceptable definition of that crime could be reached.

19. **Mr. Powles** (New Zealand), speaking also on behalf of members of the Pacific Islands Forum — Australia, the Federated States of Micronesia, Fiji, the Marshall Islands, Nauru, Papua New Guinea, Samoa, the Solomon Islands and Vanuatu — said they welcomed the signing of the Rome Statute by 114 States and its ratification by 21 States, representing all regions of the world. He urged those States which had not done so to sign the Statute before the 31 December 2000 deadline. The members of the Pacific Islands Forum which had signed the Statute included Australia,

New Zealand, Samoa, the Solomon Islands, Fiji and the Marshall Islands; in addition, Fiji and New Zealand had ratified it on 29 November 1999 and 7 September 2000 respectively. The members of the Forum which had not signed or ratified the Statute were seriously studying their procedures and legislation in order to facilitate the process. The ratification process was well advanced in Australia and Samoa.

20. A special workshop on the International Criminal Court had been organized in conjunction with the annual meeting of the Pacific Island Law Officers (PILOM), currently taking place in Rarotonga (Cook Islands). Governments would have an opportunity to discuss important issues associated with the Court, including the signature and ratification of the Statute. He thanked the Government of Canada for its support for the workshop.

21. The adoption of the Rules of Procedure and Evidence and Elements of Crimes had led to an increase in the number of signatures and ratifications of the Statute. Currently, States must focus their efforts on the definition of the crime of aggression, the Financial Regulations and Rules, a relationship agreement, a privileges and immunities agreement and a headquarters agreement. The members of the Pacific Islands Forum were firmly committed to maintaining the integrity of the Statute and therefore considered that those documents must be elaborated in a manner that completely respected its letter and spirit. They supported the Bureau's recommendation that two sessions of two weeks' duration each should be held in 2001 in order to enable the Preparatory Commission to complete its mandate.

22. Speaking as the representative of New Zealand, he said that his country had ratified the Statute on 7 September 2000, at the Millennium Summit. It had fully implemented the Statute in its domestic law through the passage of the International Crimes and International Criminal Court Act 2000. In part to ensure that New Zealand would never become a safe haven for the perpetrators of those crimes, the Act gave the New Zealand courts universal jurisdiction over the crimes covered by the Statute and provided limited retroactive application for crimes of genocide and crimes against humanity. It also made provision for the possibility of persons sentenced by the Court serving their sentences in New Zealand prisons. He encouraged other delegations to give consideration to that issue in their ratification process, as it was important for a wide range of countries to offer that service.

23. In its instrument of ratification, New Zealand had included a declaration regarding some important matters of interpretation of the crimes covered by article 8 of the Statute. In particular, it would be inconsistent with principles of international humanitarian law to purport to limit the scope of article 8 to events involving conventional weapons only.

24. **Ms. Fritsche** (Liechtenstein) said that her country had been an early supporter of efforts to establish an international criminal court, based on its commitment to the fight against impunity, its belief in upholding the rule of law and the conviction that international law must play an enhanced role in the context of globalization.

25. It was encouraging that the Preparatory Commission had reached consensus on the Elements of Crimes and the Rules of Procedure and Evidence, and her delegation hoped that consensus would continue to be the guiding principle of its work. It was clear that no attempts should be made to change the content of the Rome Statute, although it might not live up to ideal standards.

26. The Millennium Declaration, adopted by an unprecedented number of Heads of State and Government, had brought about a significant increase in the number of signatures to the Statute, making the Court truly universal. Ratification was a complex process, and the 21 ratifications recorded thus far were an expression of the seriousness with which States approached it. Liechtenstein had begun the process and hoped to be among the first sixty States to ratify the Statute, probably during 2001.

27. **Mr. Krokhmal** (Ukraine) said that the 1998 adoption of the Rome Statute represented the most important development in the field of international law since the adoption of the Charter of the United Nations. It was a major building block of the future system of international security for the twenty-first century. The International Criminal Court was the only viable and universal mechanism to enforce compliance with and respect for international humanitarian law. A permanent Court was essential for the preservation, restoration and maintenance of international peace. The progress achieved by the Preparatory Commission would help to increase the pace of ratifications of the Rome Statute by States and the subsequent implementation of its

provisions in their national legislation, a process which required a series of legal, administrative and budgetary adjustments at the national level.

28. Ukraine, which had signed the Rome Statute at the beginning of 2000, strongly supported the integrity of the Statute. His country attached great importance to the definition of the crime of aggression, including the elements of the crime and the conditions under which the Court would exercise its jurisdiction.

29. He took note with satisfaction of the initiative of the Council of Europe regarding the exchange of information and views among Member and Observer States on the issues of implementation of the Rome Statute and cooperation with the Court.

30. **Mr. Rocha Aramburo** (Bolivia) said that his delegation associated itself with the statement made by Colombia on behalf of the Rio Group. The establishment of the International Criminal Court would ensure the promotion and protection of human rights and of international humanitarian law. The Preparatory Commission should continue to uphold the principles of universality, complementarity and independence when drafting the supplementary instruments. Concerning the crime of aggression, a categorical differentiation must be made between the act and the crime of aggression for purposes of determining individual criminal responsibility.

31. The Bolivian Chamber of Deputies had given preliminary approval to the Rome Statute; the Senate must consider its adoption and subsequent ratification. The integrity of the Statute must be preserved, in order to ensure the independence, credibility and authority of the Court and the principle of equality before the law.

32. **Ms. Kigenyi** (Uganda), speaking in exercise of the right of reply, said that the statements made against her country at the previous meeting (A/C.6/55/SR.11) were not new, and a response to them had already been made. The matter was being considered in another forum. Uganda remained committed to the implementation of the Lusaka Agreement and was prepared to offer to any interested delegation a detailed explanation of the progress her country had made in observing the Agreement.

33. **The Chairman** said that the Committee had concluded its discussion of agenda item 162.

Agenda item 155: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts (A/55/173 and Corr.1 and Add.1)

34. **Mr. Štefánek** (Slovakia) said that his Government attached importance to international humanitarian law, which was based on the Geneva Conventions of 1949 and the two additional Protocols of 1977. The Rome Statute, as well as the draft elements of crimes adopted by the Preparatory Committee on 30 June 2000, confirmed the validity and relevance of the Geneva Conventions and their additional Protocols and the determination of the international community to put an end to impunity for the perpetrators of war crimes and crimes against humanity. The renewed interest in international humanitarian law had been reflected in the Millennium Declaration. Currently, the main challenges were to expand and strengthen the protection of civilian populations in conflict and emergency situations and to protect the most vulnerable, namely children, women and the elderly.

35. The implementation of the provisions of the Geneva Conventions and their additional Protocols was closely interrelated with the dissemination of norms of international humanitarian law. He highlighted in that regard the work done by the International Committee of the Red Cross.

36. Since the Geneva Conventions formed part of international customary law, the binding nature of the rules contained therein was not restricted only to the countries that were parties to the Conventions. However, he still welcomed the issuance of the Secretary-General's Bulletin on the observance by United Nations forces of international humanitarian law (ST/SGB/1999/13), which set out fundamental principles and rules of international humanitarian law applicable to United Nations forces conducting operations under United Nations command and control.

37. Slovakia was a party to the four Geneva Conventions of 1949, the two additional Protocols of 1977 and the major international legal instruments in the field of humanitarian law. It had signed the Rome Statute and was undertaking the necessary preparatory legal work for its ratification. On 5 June 2000, Slovakia had withdrawn all the reservations that had originally been made to the four Geneva Conventions by the former Czechoslovakia and retained by Slovakia

upon the declaration of succession of 2 April 1999. His Government was preparing, in cooperation with the Slovak Committee of the Red Cross, a comprehensive study on the incorporation of international humanitarian law into its domestic legislation. The Government was also considering the possibility of establishing a national body for the implementation of international humanitarian law.

38. **Mr. Tanzi** (Italy) said that he wished to confirm his country's full commitment to international humanitarian law as codified by the Geneva Conventions of 1949 and their additional Protocols of 1977. Italy had provided information to the Secretary-General on the domestic measures relevant to the implementation of those instruments, and it had made a declaration recognizing the competence of the International Fact-Finding Commission established under article 90 of additional Protocol I. It had also ratified the Rome Statute.

39. The International Criminal Court would have competence not only over grave breaches of the four Geneva Conventions but also over many serious violations of the two additional Protocols. That was a major achievement in international criminal law and in the fight against impunity.

40. The adoption of the instruments referred to contributed to the consolidation of the customary status of international humanitarian law. That built upon the authoritative statement by the International Court of Justice to the effect that the obligation to "respect" and "to ensure respect" for the Geneva Conventions "does not derive only from the Conventions themselves, but from the general principles of humanitarian law to which the Conventions merely give specific expression". (International Court of Justice, Reports of Judgements, Advisory Opinions and Orders, Case Concerning Military and Paramilitary Activities in and against Nicaragua, 1986, p. 114).

41. His delegation was fully aware of the importance of achieving universal ratification of treaties on international humanitarian law and therefore welcomed the efforts undertaken by the General Assembly and the International Committee of the Red Cross to that end. Particularly noteworthy was the Plan of Action adopted by the Twenty-seventh International Conference of the Red Cross and Red Crescent, which placed special emphasis on the importance of the ICRC Advisory Service in promoting the ratification of treaties on humanitarian law and in advising and assisting States parties in their implementation.

42. **Ms. Stancu** (Romania) said that her country had ratified the Geneva Conventions of 1949 and the additional Protocols of 1977, and had made the declaration provided for under article 90 of Protocol I with regard to the acceptance of the International Fact-Finding Commission. Moreover, Romania had signed the Rome Statute of the International Criminal Court and was a party to most of the treaties relating to international humanitarian law. Under the Romanian constitution, treaties ratified by Parliament were part of national law.

43. The Romanian Penal Code as well as the Law of National Defence and the Law on the Statute of Military Personnel contained provisions on the implementation of the norms of international humanitarian law and breaches thereof. The Penal Code contained provisions on crimes committed on the battlefield and on the legal responsibility of commanders and their subordinates.

44. In 1990, a Legal Affairs and International Humanitarian Law Office had been established under the army general staff. At the same time, a course on international humanitarian law had been included in the curricula of military academies. Legal affairs and humanitarian law offices had also been established within the high commands of the army, navy and air force.

45. All the foregoing demonstrated the great importance that Romania attached to the work concerning the dissemination and full implementation of international humanitarian law. During the Millennium Summit, Romania had signed the Optional Protocol to the Convention on the Rights of the Child.

46. **Mr. Gomaa** (Egypt) said that his delegation attached importance to the Protocols Additional to the Geneva Conventions of 1949, especially Protocol I, which established the bases for relations between the civilian population and the occupying Power. There had been unanimous universal recognition of the applicability of those instruments to the occupied Palestinian territories, including Jerusalem. In that regard, the brutal acts committed by the occupying Israeli authorities against innocent and unarmed civilians in their own territory constituted flagrant violations of international law, including international humanitarian law, especially the provisions of

Protocol I. His delegation wished to reaffirm the importance of the universal observance of the instruments of international humanitarian law, including the two Protocols of 1977. Expressing satisfaction with the number of countries that had ratified the Protocols, he urged the States that had not yet done so, to ratify them as soon as possible.

47. He welcomed the efforts of ICRC to ensure observance of the norms of international humanitarian law and said that the Prime Minister of Egypt had established a national committee composed of ministries and bodies responsible for the implementation of international humanitarian law as well as of relevant experts in the field. The first meeting of the Committee had taken place in the summer of 2000.

48. **Mr. Balde** (Guinea) said that Guinea had acceded to the major Geneva Conventions and their additional Protocols in 1984 as proof of its willingness to contribute to the protection and promotion of international humanitarian law and had made the declaration provided for under article 90 of Protocol I with regard to the acceptance of the International Fact-Finding Commission. Moreover, it had acceded to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Second Protocol, and had signed and ratified the 1997 Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction.

49. His delegation was seriously concerned by the proliferation of and trafficking in light weapons, especially in areas of conflict. In July 2000, a national committee had been set up to combat that phenomenon. In 1995 an act had been promulgated concerning the use and protection of the emblem and name of the Guinean Red Cross, an institution that worked tirelessly for the implementation of international humanitarian law in areas of conflict and in State agencies responsible for defence and security.

50. Guinea, which had over 800 kilometres of borders with countries in situations of armed conflict, had been offering asylum since 1989 to more than 800,000 refugees, representing some 10 per cent of its total population, and making it the country that had accepted the highest number of refugees in proportion to its population. However, the refugees included former rebels who were members of warring factions trafficking in light weapons, thus endangering his country's stability and security in both the border areas and in the interior. Moreover, since 1 September 2000, Guinea had been the victim of a series of vicious attacks perpetrated by hordes of rebels that had resulted in the deaths of many innocent civilians and considerable damage to property in the border areas in the south of the country. Despite that painful situation, his country would continue to offer hospitality to refugees because of African solidarity and it would continue to respect their rights, provided they obeyed the laws in force.

51. **Mr. Al-Kadhe** (Iraq) pointed out the importance of the Geneva Conventions of 1949 and the two additional Protocols of 1977, which provided the legal means to investigate violations of international humanitarian law, and recalled that the norms they prescribed were universally binding. The Protocols laid down the legal rules governing the methods and means of warfare and the treatment of civilians during armed conflicts, as also the protection of the civilian installations and economic resources of the countries in conflict.

52. For the past ten years, Iraq had been subjected to an unjust economic embargo, following military operations during which traditional weapons had not been employed, and the provisions of international humanitarian law were therefore applicable to it. The United States of America was using hunger and the blockade to achieve selfish and petty political objectives; the result was the genocide and the coercion to which the Iraqi people were continually subjected. That represented a flagrant violation of Protocol I of 1997, which prohibited the use of starvation for political or military ends. Consequently, Iraq was asking the Committee to condemn those violations as contrary to international humanitarian law and international law in general. The situation once again confirmed that the international community did not need new legal norms but needed only to observe and ensure the observance of the Geneva Conventions and the two additional Protocols.

53. Iraq fully supported the efforts of the ICRC to organize international conferences and meetings seeking ways of having States observe and ensure the observance of international humanitarian law. Despite its efforts, the past few days had seen new violations of the provisions of the Geneva Conventions and the additional Protocols by the Israeli occupying authority,

which turned a deaf ear to all the appeals of the community of nations that international law should be respected. The international community must promote the establishment of a practical legal mechanism that would further the observance of international humanitarian law and safeguard its principles.

54. **Mr. Tarabrin** (Russian Federation) expressed satisfaction at the increase in the number of countries that had signed the Protocols to the Geneva Conventions of 1949 and recalled that the adoption of the Conventions had been a milestone in the history of international humanitarian law, whose foundations had been laid 100 years earlier, on Russia's initiative, at the first International Peace Conference held at The Hague. On the occasion of the centennial of that Conference, the Russian Federation had taken various steps towards ratifying the instruments of international humanitarian law.

55. Despite the efforts of the international community to prevent armed conflicts and reduce their impact on civilian populations to a minimum, conflicts continued to cause the loss of thousands of lives, primarily of civilians, among them the humanitarian assistance personnel of the United Nations, the ICRC and other organizations. His Government had adopted laws proscribing cruel treatment of civilian populations and prisoners of war and it strictly prohibited the recruitment, training and financing of mercenaries. In addition, Russian penal law prescribed serious penalties for the massive destruction of flora and fauna and the contamination of the atmosphere or the water resources that directly impinged on the civilian population.

56. Strict compliance with the standards of international humanitarian law must be ensured and their implementation must be improved and monitored. Although the chief responsibility lay with Governments and the parties to armed conflicts, the international community itself could further that objective. It had to take new initiatives to protect the victims of armed conflicts and to circumscribe the limits of the permissible in warfare. In that connection, the Russian Federation supported the recent Security Council efforts to give greater protection during armed conflicts to certain groups within the civilian population, especially children and international personnel. The relevant Security Council resolutions sounded a warning to those who committed actions contrary to international humanitarian law.

57. It was alarming to ascertain that not all States were fully complying with their obligations under the Geneva Conventions of 1949 and the additional Protocols. The ICRC was doing valuable work in promoting those international instruments. All the obligations arising from them must be strictly observed, and those States which had not yet done so must once again be urged to ratify them.

58. **Mr. Krokhmal** (Ukraine) said that his Government had ratified the two Protocols to the Geneva Conventions of 1949, relating to the protection of victims of armed conflicts. The Ukraine had also recognized the competence of the International Fact-Finding Commission. His Government had set up an interdepartmental commission to ensure Ukraine's full compliance with the provisions of international treaties in the field of humanitarian law and, in particular, with the Geneva Conventions and the additional Protocols.

59. The fact that most contemporary wars were civil or inter-ethnic conflicts whose main purpose was not to subdue the adversary but to exterminate it had resulted in making civilians the direct target of such attacks. Such a situation underscored the importance of full compliance by all parties to a conflict with the Geneva Conventions and the additional Protocols, and it should be recalled that, under Protocol I, grave breaches of the Conventions and the Protocols should be regarded as war crimes. Furthermore, compliance with the provisions of Security Council resolution 1296 (2000) was essential for the protection of civilians in armed conflict.

60. **Mr. Al-Dailmi** (Yemen) said it was deplorable that not a day went by without conflicts and crises in which the principles of international humanitarian law were being flouted. Perhaps the cruellest violations were those lately perpetrated in the occupied Palestinian territories, whose inhabitants were being harassed and expelled from their lands. It must be asked in that connection why, as Israel pursued its settlement policy and its judaization of Jerusalem, the Security Council resolutions on Palestine had not been implemented.

61. He urged States to recognize the competence of the International Fact-Finding Commission established under Protocol I, praised the efforts of the International Red Cross and Red Crescent Movement to alleviate the suffering of the civilian victims of foreign occupation and armed conflicts, and endorsed the recommendations

and decisions adopted by the Movement at its Twenty-seventh International Conference.

62. **Mr. Obeid** (Syrian Arab Republic) said that the aim of the Geneva Conventions and the additional Protocols was to prevent breaches of international law and protect civilian populations in time of war. Specifically, Protocol I was directly applicable to the situation in the occupied Arab territories and especially to the city of Jerusalem. In recent days, the killings perpetrated by Israel in the occupied Palestinian territories had increased. Israel had become an outlaw State, which daily violated international humanitarian law, the Geneva Conventions and the additional Protocols and the Charter of the United Nations and its resolutions. Furthermore, Israel was refusing to allow the appointment of a mission to investigate such crimes, for it did not want the international community to have any information on them. Nevertheless, now more than ever, the international community must ensure the implementation of the instruments of international humanitarian law and hasten to set up the International Criminal Court, under whose jurisdiction such crimes would fall.

63. The Red Cross and Red Crescent Movement should be thanked for the enormous amount of work it had done in the occupied Arab territories of the Syrian Golan, southern Lebanon and Palestine, and for the work it was doing generally to promote knowledge of the precepts of international law and protection of civilians.

64. **Mr. Witschel** (Germany) said that the increasing acceptance of and compliance with the instruments of humanitarian law were of the utmost importance. Despite the impressive number of States which had become parties to the Geneva Conventions and the additional Protocols thereto, much remained to be done. As a State party to the four Geneva Conventions and the two additional Protocols thereto, which had accepted the competence of the International Fact-Finding Commission established under article 90 of Protocol I, Germany welcomed the initiative of the International Red Cross and Red Crescent Movement for the adoption of a third additional protocol concerning the important issue of the use of emblems. He thanked the Government of Switzerland for its important and constructive contribution in that regard.

65. Germany had signed the Rome Statute and was about to complete the ratification process. On 17 May 1999, it had signed the Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, and, in September, the Optional Protocol to the Convention on the Rights of the Child related to the involvement of children in armed conflict. It called on all States to sign and ratify those instruments.

66. Germany had participated actively in the Twenty-seventh International Conference of the Red Cross and Red Crescent, held in Geneva in October and November 1999, and endorsed the plan of action adopted at that Conference.

67. Lastly, he was convinced that a forum must be created in the General Assembly or in the Sixth Committee for the regular review of the status of the instruments relating to international humanitarian law.

68. **Mr. Troncoso** (Chile) referred to an issue which he believed was crucial to full compliance with the 1949 Geneva Conventions and the additional Protocols thereto, and to the effective implementation of the Rome Statute in the domestic law of States, with a view, in the latter case, to giving full effect to the principle of complementarity. Conduct that was criminalized at the international level should be characterized by domestic criminal law, and a sentence commensurate with its seriousness should be prescribed. The idea was thus not to introduce the crime contemplated in the treaty into criminal law in the same terms but rather to characterize and punish it in accordance with the actual principles of criminal law.

69. For all those reasons, his delegation attached great importance to stepping up the exchange of information and experiences among States, in order to understand how the processes of applying those international instruments had been executed.

70. **Mr. Al-Swady** (United Arab Emirates) said that, despite the consensus and unanimity within the international community on the 1949 Geneva Conventions and the two 1977 additional Protocols thereto, they remained largely unimplemented; not only did millions of innocent civilians fall victim to all types of atrocities, but also efforts to provide them with food and medical assistance were hampered.

71. Although on numerous occasions, the Security Council and the General Assembly had reiterated that the 1949 Geneva Conventions and the 1977 additional

Protocols thereto applied to the territories occupied by Israel, to Jerusalem and to Israel itself, Israel had continued to build illegal settlements, mistreating the inhabitants of the occupied territories and destroying places of worship. The events of the past three weeks were a shameful and horrible case of deliberate genocide, with more than 100 deaths and thousands of injuries, and the blind destruction of Palestinian infrastructures. Israel was attempting to wipe out the Palestinian people and to affirm its occupation of the territories by presenting the international community with a fait accompli. If Israel was not compelled to respect the 1949 Geneva Conventions and the 1977 additional Protocols thereto, the credibility of those instruments would have to be called into question.

72. **Ms. Telalian** (Greece) said that the existing rules of international humanitarian law must be strengthened and the provisions of the 1949 Geneva Protocols and the two 1977 additional Protocols thereto should be strictly implemented. States must disseminate those rules at the national level, particularly among their armed forces. Greece had incorporated the Conventions into its national legal system and attached great importance to the monitoring mechanisms established, in particular, the International Fact-Finding Commission.

73. The adoption of the Rome Statute would contribute to the consolidation of international humanitarian law and to the prevention of serious crimes. Greece was in the process of ratifying the Statute and the Second Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict. Ratification of those instruments, like the Optional Protocol to the Convention on the Rights of the Child related to the involvement of children in armed conflict, would help to increase respect for the values of international humanitarian law.

74. Lastly, she commended the efforts of the International Committee of the Red Cross (ICRC) to disseminate, promote and implement international humanitarian law.

75. **Mr. Zellweger** (Observer for Switzerland) said that, as the depositary of the Geneva Conventions and the additional Protocols thereto, Switzerland periodically urged States that were not parties to accede to those instruments. On 14 August 2000, Eritrea had acceded to the Geneva Conventions, bringing the number of States parties to those instruments to 189. The number of States parties to Protocol I was 157, while there were 150 States parties to Protocol II.

76. Although the Charter of the United Nations clearly established that the threat or use of force was illegal, armed conflicts continued to arouse concern; even more worrying was the lack of respect for international norms limiting their destructive effects. Switzerland therefore hoped that, in future, the additional Protocols would enjoy the same universality as the Conventions.

77. One of the fundamental goals in establishing the Red Cross had been to protect health workers of the armed forces tending to the wounded on the battlefield on an impartial basis. To that end, in 1864, the protective symbol — a red cross on a white background — had been adopted; more than 130 years later, the value of the emblem was being undermined because it was being abused and some national societies had problems accepting it, which created real difficulties for the International Red Cross and Red Crescent Movement, whose purpose was to bring about universality and unity. By a resolution of the 1999 Twenty-seventh International Conference of the Red Cross and Red Crescent, a decision had been taken to establish a joint working group to study the question. Switzerland, as depositary of the Geneva Conventions, had been invited by the President of ICRC to consider convening a diplomatic conference in order to resolve the question of emblems through the adoption of a third additional protocol.

78. On 13 September 2000, Switzerland had decided to convene such a diplomatic conference, since it had noted that there was a large consensus among States parties on the matter. Nonetheless, intense consultations held by Switzerland had shown that, owing to the recent events in the Middle East, the necessary conditions for the consensus did not exist and it had therefore been decided that the diplomatic conference would be postponed until early 2001. However, in order to ensure that the process was not interrupted, his country, as depositary, would continue holding consultations with States parties on the basis of a new draft additional protocol prepared by ICRC in cooperation with the International Federation of Red Cross and Red Crescent Societies.

79. **Mr. Helle** (Observer for the International Committee of the Red Cross) said that universal accession to the basic instruments of international

humanitarian law remained an essential precondition for compliance with it. The Geneva Conventions had already attained such universality, since 189 States were currently parties to them. In order to improve legal protection of the civilian population against the effects of hostilities, it was essential that the 1977 additional Protocols attained the same degree of universality. ICRC called on all States which had not done so to ratify the additional Protocols as soon as possible.

80. ICRC attached great importance to the International Criminal Court, whose aim was to ensure effective punishment of those who committed the most serious crimes, regardless of whether they were committed during international or internal conflict.

81. ICRC welcomed the report of the Secretary-General (A/55/173 and Add.1 and Corr.1) and hoped that as many States as possible would supply information regarding the implementation of international humanitarian law by their national authorities.

82. Now that the United Nations Decade of International Law had come to an end, it was essential to establish some type of forum in order to continue the debate on humanitarian law. To that end, the current agenda item could be expanded to include other instruments of humanitarian law, such as the 1949 Geneva Conventions, the Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague, 1954) and its two Protocols of 1954 and 1999, and the 1998 Rome Statute of the International Criminal Court. Furthermore, since the protection of victims of armed conflict was a matter of ongoing concern for the international community, the topic should be considered annually.

83. In order to protect the victims of war, it was necessary in times of peace to take measures at the national level to ensure the implementation of humanitarian law, and in particular to enact national legislation to repress serious violations of humanitarian law, to establish regulations governing the use of the protected emblems and measures for the punishment of their misuse, and to protect cultural property. The States parties were also under an obligation to promote knowledge of the Geneva Conventions and their additional Protocols among the population, especially among the armed forces.

84. ICRC welcomed the pledges made by States at the 27th International Conference of the Red Cross and Red Crescent to ratify the instruments of humanitarian law and to take measures to implement that law at the national level, and hoped that those pledges would be translated into concrete action. In that respect, ICRC was willing to provide any assistance that might be needed in achieving those objectives.

85. He drew attention to the meeting of experts on the national implementation of the rules for the protection of cultural property during armed conflict, organized by the ICRC Advisory Service on International Humanitarian Law, with the participation of UNESCO, which had taken place in Geneva on 5 and 6 October 2000. The discussions at that meeting would form the basis for drafting guidelines for the national implementation of the 1954 Hague Convention and its two Protocols.

86. ICRC congratulated the 61 States which had established national commissions to advise and aid Governments in implementing and disseminating humanitarian law, and reiterated its willingness to provide legal advice and technical assistance in that respect.

87. Lastly, he referred to a major project on customary humanitarian law in which ICRC had been engaged since 1996. The study was based on the practice of a large number of States and was quite unique in its field; the results of the study should be available in autumn 2001.

88. **Ms. Hammam** (Observer for the World Food Programme (WFP)) said that hundreds of thousands of innocent people around the world were suffering the consequences of conflicts, and humanitarian staff seeking to assist them were themselves targets of violent attacks. The recent tragedies in West Timor and Guinea were further testimony of the dangerous conditions which humanitarian workers of the United Nations and other organizations were facing.

89. A growing factor in that situation had been the resurgence of the use of hunger as a weapon in war, as demonstrated in Angola, Somalia and southern Sudan.

90. WFP welcomed the intensified efforts made by the Security Council over the past year to raise awareness of the need to protect civilians and United Nations personnel in situations of armed conflict. It was increasingly recognized that the reason for the

failure of efforts to protect vulnerable populations was more often a lack of political will than a shortage of conventions and protocols.

91. WFP was particularly committed to protecting women and children, who were the first victims of violence, securing humanitarian access in cooperation with Governments, the United Nations Emergency Relief Coordinator, the appropriate United Nations entities and other actors, promoting different approaches, for example Days of Tranquillity for children which could help in negotiating access to affected civilian populations, and protecting humanitarian workers.

92. She appealed to the international community to adopt concrete measures to ensure the safety of humanitarian workers and punish those responsible for attacks against them, and urged States to ratify the Rome Statute and other instruments relating to the protection of civilians and international staff.

93. **The Chairman** said that the Committee had completed its consideration of agenda item 155.

The meeting rose at 1.15 p.m.